

February 9, 2005

National Marine Fisheries Service  
Northeast Regional Office  
Attention: Peter D. Colosi  
One Blackburn Drive  
Gloucester, MA 01930-2298

New England Fishery Management Council  
Attention: Paul Howard, Executive Director  
50 Water Street  
Newburyport, MA 01950

Dear Mr. Colosi and Mr. Howard:

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the Environmental Protection Agency (EPA) has reviewed the National Marine Fisheries Service's (NMFS) Final Environmental Impact Statement (FEIS) for Minimizing Impacts of the Atlantic Herring Fishery on Essential Fish Habitat (CEQ # 040320).

The FEIS evaluates the potential effects of the directed Atlantic herring commercial fishery on Essential Fish Habitat (EFH) for Atlantic herring and other federally-managed species in the Northeast region of the U.S., and evaluates alternatives to minimize to the extent practicable the adverse effects on EFH from herring fishing.

EPA expressed a lack of objections (LO rating) to the Draft EIS due to the overall benefit of the proposed action. However, EPA recommended that NMFS improve the information and analysis in the EIS concerning methodology utilized for determining the vulnerability of Atlantic herring Essential Fish Habitat (EFH). Also, we recommended that the Final EIS discuss potential impacts of oil and gas exploration/development/production and marine mining impacts to Atlantic Herring EFH. In reviewing the FEIS, we find that our questions have been addressed. Additionally, neither the proposed action nor the resulting potential environmental impacts have changed. Accordingly, we continue to have no objections to the implementation of the project as proposed.

EPA commends the efforts the National Marine Fisheries Service (NMFS) has undertaken to produce a more analytical and reader friendly NEPA document. We appreciate the opportunity to review this Final EIS. We also look forward to reviewing future documents related to this project. The staff contact for this review is Matthew Harrington and he can be reached at (202) 564-7148.

Sincerely,

/s/

Anne Norton Miller

Director

Office of Federal Activities

cc: Steve Kokkinakis, NOAA Office of Strategic Planning  
John Hansel, NMFS Office of Sustainable Fisheries  
David Tomey, NMFS Regional Administrator Office